JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
TARRON HARRIS

DEFENDANTS
WESTLAKE SERVICES, LLC d/b/a WESTLAKE FINANCIAL SERVICES,

(b) County of Residence of First Listed Plaintiff PHILADELPHIA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
CRAIG THOR KIMMEL, KIMMEL & SILVERMAN, P.C.
30 EAST BUTLER PIKE, AMBLER, PA 19002
PHONE: (215) 540-8888 EXT. 116

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	**PERSONAL INJURY**	**PERSONAL INJURY**	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 365 Personal Injury - Product Liability	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 400 State Reapportionment
☐ 130 Miller Act	☐ 315 Airplane Product Liability	☐ 367 Health Care/			☐ 410 Antitrust
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel &	Pharmaceutical			☐ 430 Banks and Banking
☐ 150 Recovery of Overpayment & Enforcement of Judgment	Slander	Personal Injury Product Liability		**PROPERTY RIGHTS**	☐ 450 Commerce
☐ 151 Medicare Act	☐ 330 Federal Employers' Liability	☐ 368 Asbestos Personal Injury Product		☐ 820 Copyrights	☐ 460 Deportation
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 340 Marine	Liability		☐ 830 Patent	☐ 470 Racketeer Influenced and Corrupt Organizations
	☐ 345 Marine Product Liability	**PERSONAL PROPERTY**	**LABOR**	☐ 840 Trademark	☒ 480 Consumer Credit
☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 350 Motor Vehicle	☐ 370 Other Fraud	☐ 710 Fair Labor Standards Act	**SOCIAL SECURITY**	☐ 490 Cable/Sat TV
☐ 160 Stockholders' Suits	☐ 355 Motor Vehicle Product Liability	☐ 371 Truth in Lending	☐ 720 Labor/Management Relations	☐ 861 HIA (1395ff)	☐ 850 Securities/Commodities/ Exchange
☐ 190 Other Contract	☐ 360 Other Personal Injury	☐ 380 Other Personal Property Damage	☐ 740 Railway Labor Act	☐ 862 Black Lung (923)	☐ 890 Other Statutory Actions
☐ 195 Contract Product Liability	☐ 362 Personal Injury - Medical Malpractice	☐ 385 Property Damage Product Liability	☐ 751 Family and Medical Leave Act	☐ 863 DIWC/DIWW (405(g))	☐ 891 Agricultural Acts
☐ 196 Franchise			☐ 790 Other Labor Litigation	☐ 864 SSID Title XVI	☐ 893 Environmental Matters
			☐ 791 Employee Retirement Income Security Act	☐ 865 RSI (405(g))	☐ 895 Freedom of Information Act
REAL PROPERTY	**CIVIL RIGHTS**	**PRISONER PETITIONS**		**FEDERAL TAX SUITS**	☐ 896 Arbitration
☐ 210 Land Condemnation	☐ 440 Other Civil Rights	**Habeas Corpus:**		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 220 Foreclosure	☐ 441 Voting	☐ 463 Alien Detainee		☐ 871 IRS—Third Party 26 USC 7609	
☐ 230 Rent Lease & Ejectment	☐ 442 Employment	☐ 510 Motions to Vacate Sentence			☐ 950 Constitutionality of State Statutes
☐ 240 Torts to Land	☐ 443 Housing/ Accommodations	☐ 530 General			
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities Employment	☐ 535 Death Penalty	**IMMIGRATION**		
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities Other	**Other:**	☐ 462 Naturalization Application		
	☐ 448 Education	☐ 540 Mandamus & Other	☐ 465 Other Immigration Actions		
		☐ 550 Civil Rights			
		☐ 555 Prison Condition			
		☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
15 U.S.C. § 1692 et seq.
Brief description of cause:
FAIR DEBT COLLECTION PRACTICES ACT

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE _____   DOCKET NUMBER _____

DATE
06/09/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ___ AMOUNT ___ APPLYING IFP ___ JUDGE ___ MAG. JUDGE ___

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 5305 Wyalusing Avenue, Philadelphia, PA 19131

Address of Defendant: 4751 Wilshire Boulevard, #100, Los Angeles, CA 90010

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))   Yes☐   No☒

Does this case involve multidistrict litigation possibilities?   Yes☐   No☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes☐   No☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes☐   No☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes☐   No☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes☐   No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases*:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
   (Please specify) 15 U.S.C. § 1692 et seq.

B. *Diversity Jurisdiction Cases*:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
   (Please specify) _____

ARBITRATION CERTIFICATION
(Check Appropriate Category)

I, Craig Thor Kimmel _____, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 06-09-2015   _____   57100
                          Attorney-at-Law   Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06-09-2015   _____   57100
                          Attorney-at-Law   Attorney I.D.#

CIV. 609 (5/2012)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

TARRON HARRIS, 　　　　　　v. WESTLAKE SERVICES, LLC d/b/a WESTLAKE FINANCIAL SERVICES	：　　　　CIVIL ACTION ： ： ： ：　　　　NO. ：

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255.　　　　　　( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health
　　and Human Services denying plaintiff Social Security Benefits.　　　　　　( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2.　(X)

(d) Asbestos – Cases involving claims for personal injury or property damage from
　　exposure to asbestos.　　　　　　( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are
　　commonly referred to as complex and that need special or intense management by
　　the court. (See reverse side of this form for a detailed explanation of special
　　management cases.)　　　　　　( )

(f) Standard Management – Cases that do not fall into any one of the other tracks.　　( )
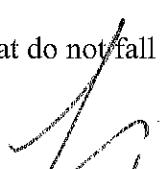
06-09-2015		Plaintiff, Tarron Harris
Date	**Attorney-at-law**	**Attorney for**
215-540-8888 x 116	877-788-2864	kimmel@creditlaw.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TARRON HARRIS,   )
)
    Plaintiff   )
)
v.   ) **Case No.:**
)
WESTLAKE SERVICES, LLC d/b/a) **COMPLAINT AND DEMAND FOR**
WESTLAKE FINANCIAL   ) **JURY TRIAL**
SERVICES,   )
) **(Unlawful Debt Collection Practices)**
    Defendant   )

COMPLAINT

TARRON HARRIS ("Plaintiff"), by and through his attorneys, KIMMEL &

SILVERMAN, P.C., alleges the following against WESTLAKE SERVICES, LLC

d/b/a WESTLAKE FINANCIAL SERVICES ("Defendant"):

INTRODUCTION

1.   Plaintiff's Complaint is based on the Fair Debt Collection Practices

Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2.   Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),

which states that such actions may be brought and heard before "any appropriate

United States district court without regard to the amount in controversy," and 28

- 1 -

U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3.   Defendant conducts business in the Commonwealth of Pennsylvania, and therefore, personal jurisdiction is established.

4.   Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5.   Plaintiff is a natural person residing in Philadelphia, Pennsylvania 19131.

6.   Plaintiff is a "consumer" as that term is defined by 15 U.S.C. §1692a(3).

7.   In the alternative, Plaintiff is a person granted a cause of action under the FDCPA.

8.   Defendant, Westlake Services, LLC d/b/a Westlake Financial Services, is a California business entity with an address of: 4751 Wilshire Boulevard, #100, Los Angeles, California 90010.

9.   Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

10.   Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

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FACTUAL ALLEGATIONS

11.   At all pertinent times hereto, Defendant was hired to collect a consumer debt and attempted to collect that debt from Plaintiff.

12.   Defendant collects, and attempts to collect, debts incurred, or alleged to have been incurred, for personal, family, or household purposes on behalf of creditors using the U.S. Mail, telephone and/or internet.

13.   The debt Defendant was seeking to collect, a personal car loan, arose out of transactions that were primarily for personal, family, or household purposes.

14.   Beginning in or before June 2014, Defendant called Plaintiff on his home telephone.

15.   Defendant contacted Plaintiff multiple times a week, in its attempts to collect an alleged debt.

16.   For example, Defendant called Plaintiff on: June 21, 2014, at 8:46 p.m.; June 22, 2014, at 10:04 p.m.; June 23, 2014, at 10:54 p.m.; June 24, 2014, at 11:38 p.m.; June 25, 2014, 9:58 p.m.; June 26, 2014, at 7:29 p.m.; June 27, 2014, at 7:54 p.m.; July 1, 2014, at 7:58 p.m. and 7:59 p.m.; and July 2, 2014, at 8:31 p.m. and 8:32 p.m.

17.   It was aggravating, annoying and harassing for Plaintiff to receive continuous collection calls on his home telephone.

18.   In response to Defendant's collection calls, on at least one occasion,

- 3 -

Plaintiff instructed Defendant to stop calling him.

19.   Despite Plaintiff's clear request, Defendant continued to call Plaintiff on a continuous and repetitive basis.

20.   Defendant knew that Plaintiff did not want to be called on his home telephone, but continued to do so, with the intent to annoy, abuse and harass Plaintiff, hoping that such continued calls would cause Plaintiff to make payment on the alleged debt.

21.   Further, when calling Plaintiff on his home telephone, Defendant called Plaintiff at times it knew it was inconvenient for him to receive collection calls.

22.   Specifically, Defendant called Plaintiff after 9:00 p.m., which is per se an inconvenient time for a person to receive collection calls.

23.   Defendant called Plaintiff on: June 22, 2014, at 10:04 p.m.; June 23, 2014, at 10:54 p.m.; June 24, 2014, at 11:38 p.m.; and June 25, 2014, 9:58 p.m.

DEFENDANT VIOLATED THE
FAIR DEBT COLLECTION PRACTICES ACT

COUNT I

24.   Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C. § 1692c(a)(1).

        a.   A debt collector violates § 1692c(a)(1) of the FDCPA by communicating with a consumer in connection with the

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collection of any debt at any unusual time or place or a time or place known or which should be known to be inconvenient to the consumer. In absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8:00 a.m. and before 9:00 p.m., local time at the consumer's location.

b.   Here, Defendant violated § 1692c(a)(1) of the FDCPA when it called Plaintiff after 9:00 p.m.

COUNT II

25.   Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C. § 1692d.

a.   A debt collector violates § 1692d of the FDCPA by engaging in conduct of the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.

b.   Here, Defendant violated § 1692d of the FDCPA by repeatedly contacting Plaintiff on his home telephone multiple times a week, and continuing to call Plaintiff after being told to stop calling him.

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COUNT III

26.   Defendant's conduct, as detailed in the preceding paragraphs, violated 15 U.S.C. § 1692f of the FDCPA.

        a.   A debt collector violates § 1692f of the FDCPA by using unfair or unconscionable means to collect or attempt to collect any debt.

        b.   Here, Defendant violated § 1692f of the FDCPA engaging in other unfair and unconscionable debt collection practices, including failing to update its records to cease collection calls to Plaintiff's home telephone after he told them to stop calling.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, TARRON HARRIS, demands a jury trial in this case.

PLAINTIFF'S COMPLAINT

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2   DATED: 06-09-15

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4

5   By: _____

6   CRAIG THOR KIMMEL
                                                    Attorney for Plaintiff
7   Kimmel & Silverman, P.C.
                                                    30 E. Butler Pike
8   Ambler, PA 19002
                                                    Phone: (215) 540-8888
9   Fax: (877) 788-2864
                                                    Email: kimmel@creditlaw.com

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PLAINTIFF'S COMPLAINT